



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,570	12/12/2005	Michael Josenhans	915-006.099	6653

4955 7590 03/07/2007
WARE FRESSOLA VAN DER SLUYS &
ADOLPHSON, LLP
BRADFORD GREEN, BUILDING 5
755 MAIN STREET, P O BOX 224
MONROE, CT 06468

EXAMINER

AKBAR, MUHAMMAD A

ART UNIT	PAPER NUMBER
----------	--------------

2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/560,570

Applicant(s)

JOSENHANS ET AL.

Examiner

Muhammad Akbar

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/12/2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/12/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 11 is dependent on independent claim 1 and independent claim 6 which is objected to under 37CFR 1.75 (C) as being improper form because multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, these claims have not been further treated on the merits but it is believed claim 11 was intended to depend on claim 1 and has been treated as such for the remainder of this office action. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 14, as cited "a software tool comprising program code means stored on a computer readable medium for carrying method" which is in fact a central processing unit (CPU), on the other hand in line 3 cited "said software tool is run... on a computer" which is a computer program. Thus, claim failed to particularly point out and distinctly claim subject matter. The examiner suggests a preamble as follows:

"A computer readable medium containing computer executable instructions to perform a spreading method, the spreading method comprising:"

Appropriate correction is required.

Re claim 15 as cited "a computer program product comprising program code ...stored on a computer readable medium for carrying method" which is in fact a central processing unit (CPU), on the other hand in line 3 cited "said computer program product is run...on a computer" which is a computer program. Thus, claim failed to particularly point out and distinctly claim subject matter. The examiner suggests a preamble as follows:

"A computer readable medium containing computer executable instructions to perform a spreading method, the spreading method comprising:"

Appropriate correction is required.

Re claim 16 as cited "a computer program product comprising program code downloadable from server for carrying method" which is in fact a electro-magnetic signals since there is no storage medium, on the other hand in line 3 cited "said computer program product is run...on a computer" which is a computer program. Thus, claim failed to particularly point out and distinctly claim subject matter. The examiner suggests a preamble as follows:

"A computer readable medium containing computer executable instructions to perform a spreading method, the spreading method comprising:"

Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim(s) 14,15 and 16 are rejected under 35 U.S.C. 101 because the claim invention is directed to non-statutory subject matter.

Re claim 14, as cited "a software tool comprising program code means stored on a computer readable medium for carrying method" which is in fact a central processing unit (CPU), on the other hand in line 3 cited "said software tool is run... on a computer" which is a computer program. Thus, computer program is a non-statutory.

The examiner suggests a preamble as follows:

"A computer readable medium containing computer executable instructions to perform a spreading method, the spreading method comprising:"

Appropriate correction is required.

Re claim 15 as cited "a computer program product comprising program code means stored on a computer readable medium for carrying method" which is in fact a central processing unit (CPU), on the other hand in line 3 cited "said computer program product is run... on a computer" which is a computer program. Thus, computer program is a non-statutory. The examiner suggests a preamble as follows:

"A computer readable medium containing computer executable instructions to perform a spreading method, the spreading method comprising:" Appropriate correction is required.

Re claim 16 as cited "a computer program product comprising program code downloadable from server for carrying method" which is in fact a electro-magnetic signals since there is no storage medium, on the other hand in line 3 cited "said computer program product is run...on a computer" which is a computer program. Thus, computer program and electro-magnetic signals are a non-statutory. The examiner suggests a preamble as follows:

"A computer readable medium containing computer executable instructions to perform a spreading method, the spreading method comprising:"

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim(s) 1-5 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Lindholm (European Patent Pub. No. EP 1091540 A3).

Art Unit: 2618

Re claim 1, Lindholm discloses a mobile communication device with exchangeable front cover (see fig.1) comprising a keyboard (2 of fig. 2) characterized by a cover processor (18 of fig. 2) which is connected to keyboard and by a common bus interface (30 of fig. 11) for connection of cover processor to a mobile communication module and common bus interface is adapted to operate with a plurality of mobile communication modules via connector (23, 25 of fig.10) (see fig.1-11, para[0010],[0020],[0022]).

Re claim 2, as discussed above with respect to claim 1, Lindholm further discloses a display (3 of fig 1,2) is connected to common bus interface (30 of fig.11) and a processor (18 of fig. 2) of a mobile communication module (see fig.1-11, para[0022])

Re claim 3, as discussed above with respect to claim 1, Lindholm furthermore discloses wherein exchangeable cover comprises a controller (see fig.31 and para [0022]).

Re claim 4, as discussed above with respect to claim 1, Lindholm furthermore discloses mobile device cover comprises energy management module (i.e. battery module) which is essentially supplying power to the communication device (see 84.p of fig.9).

Re claim 5, as discussed above with respect to claim 1, Lindholm furthermore discloses exchangeable mobile communication device cover further comprises a antenna which is connected to the transmitter/receiver (20 of fig. 2) hole (slot) for receiving a communication module (see fig.1-2, para[0014]).

Re claim 11, as discussed above with respect to claim 1, Lindholm furthermore discloses exchangeable mobile communication device cover comprises intelligent identification unit (20 of fig.10) being able to respond to a request by hand shaking procedure (see fig. 10 and para[0035]).

8. Claim(s) 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Malthouse (U.S. Pub. No. 2002/0039910 A1).

Re claim 6, Malthouse discloses a mobile telecommunication device module comprising a radio interface (22 of fig. 2) for connecting to a mobile communication network which is standardized by interface to connect communication module with a cover and having a keypad (4 of fig.2 and para [0037]).

Re claim 7, as discussed above with respect to claim 6, Malthouse further discloses a mobile telecommunication device module comprising a display (5 of fig.2 and para[0036]).

Art Unit: 2618

Re claim 8, as discussed above with respect to claim 6, Malthouse furthermore discloses a mobile telecommunication device module having a radio interface (22 of fig.2) which is comprising a cellular telephone interface for networking connection (see fig.1-2 and para[0027],[0036]).

Re claim 9, as discussed above with respect to claim 6, Malthouse furthermore discloses a mobile telecommunication device module having a radio interface (22 of fig.2) which is comprising a cordless telephone interface for network connection (see fig.1-2 and para [0027],[0036]).

Re claim 10, as discussed above with respect to claim 7, Malthouse furthermore discloses a mobile telecommunication device module comprising a battery (13 of fig. 2) module and user interface (i.e. minimal user interface is keypad, display, microphone, speaker) to provide basic communication function (see fig.1-2, para [0036])

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2618

10. Claim(s) 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Mager (U.S. Pub. No. 2003/0017839 A1)

Re claim 12, Mager discloses a mobile electronics communication devices wherein uses interchangeable mobile device cover (100 of fig. 1) which is a detachable from main body (see fig.1,para[0020]) and automatically enable electronics components (300 of fig.3) by hand shaking for its operation with various mobile communications module via interface (i.e. mobile communication devices having a detachable intelligent mobile communication device cover); and mobile communication module, comprising: keys buttons i.e. receiving input data (140 of fig. 1) at the cover (100), converting input data according to a specified protocol (modulated and demodulated) by the controller (microcontroller or microprocessor 515 of fig.4) and transferring converted input data via bus (511 of fig.4) to the mobile communication module (138 of fig.3) wherein processed of transferred input data by the digital signal processor (DSP) (see fig.1-4,para[0032], [0033], 0045))

Re claim 13, as discussed above with respect to claim 12, Mager further discloses mobile communication module further comprises managing the output data and generating/receiving (output/input data) output data by the central processing unit (335 of fig.3) in the mobile communication module (138 of fig.3), converting output data according to a specified protocol (modulated and demodulated) by the digital signal processor (DSP 337 of fig. 3) and transferring converted output data via bus to the mobile communication interchangeable cover (100 of fig. 3) wherein processed of

Art Unit: 2618

received output data by the display unit (160 of fig.1) at the cover (see fig.1-4, para[0020], [0031])

Re claim 14 and 15, as discussed above with respect to claim 12, Mager furthermore discloses mobile communication module comprises central processing unit (CPU) (335 of fig.3) that can execute software/firmware program and programming information (code) can be stored in the memory (336 of fig.3) which is accessible by CPU that can run the computer (see fig.1-4, para[0031]) [i.e. CPU can run the software and can stored program code in a copter readable medium which is performed all the steps in the claim 12].

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mager (U.S. Pub. No. 2003/0017839 A1) and in view of Engstrom et al (U.S. Pub. No. 2003/0017848 A1)

Re claim 16, as discussed above with respect to claim 12, Mager further discloses a computer program software comprises commands or instruction (program code) which is executed by the processor and accessible to personalized information in the mobile electronics component (see para[0027], [0031]). But Mager failed to disclose explicitly that information is downloadable from the server. However, Engstrom teaches personalized electronics device with smart covering (same field of endeavor) comprises random access memory, programmable read only embedded memory, central processing unit which is execute the instruction (program code), universal resource locator (URL) and resource server, and upon connecting with main

Art Unit: 2618

logic wirelessly access resource server and acquire data (i.e. downloaded data or information from server)(see fig.7a-7b,para[0045],[0051]

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify mobile device cover operational steps run by computer program and stored in a memory (as taught by Mager) by incorporating downloadable system which can be downloaded information from the server as taught by Engstrom) to improve exchange information quick and safely from server without lost data or information in mobile communication device.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (7.96)

The following patent are cited to further show the state of the art with respect to clips and bookmarks in general:

U.S. Patent No. 5,911,121 to Andrews teaches method and apparatus for automatically configuring a control program for mobile radio communication device wherein uses interchangeable cover with programmable controller.

U.S. Patent No. 5,848,152 to Slipy et al teaches communication device having interchangeable faceplates and active keypad cover.

U.S. Patent No. 5,680,633 to Koenck et al teaches a modular, portable data processing terminal for use in a radio frequency communication network.

U.S. Patent No. 5,357,570 to Tomura et al teaches interface connector for wireless terminal device

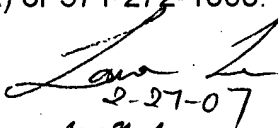
Art Unit: 2618

U.S. Pub. No. 2002/0013161 to Schaeffer et al teaches mobile telephone system having a detachable camera/battery module.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muhammad Akbar whose telephone number is (571)-270-1218. The examiner can normally be reached on Monday- Thursday (7:30 A.M.- 5:00P.M). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571-272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA


2-27-07
Lana N. Le
Primary Examiner
Technology Center 2600